THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.5761 OF 2006

DATED: 13-02-2007

BETWEEN

K.V. Krishna Rao alias Venkanna,
S/o. Late Adiseshaiah Setty,
R/o. Nawabpet, Nellore.

...PETITIONER

AND

Government of Andhra Pradesh,
Rep. by its Secretary, Home
Department, Secretariat,
Hyderabad and two others.

...RESPONDENTS

ORDER:

It is the case of the petitioner that he is resident of Nellore and doing finance business with other partners and in that connection amounts have been taken from private persons for running the said business. However, one Amancharla Ramakrishna Rao approached the Circle Inspector, Nellore Town and lodged a complaint for recovery of alleged amount of Rs.6,00,000/- from the petitioner under a pro-note, based on which the third respondent took the petitioner to the police station on 30.12.2005 and detained him and released him on the next day, after he agreed to pay Rs.6,00,000/- and they also obtained signatures on blank pro-notes, stamped papers and blank white papers etc. It is stated that they further threatened him to pay said amount on or before 28.02.2006. In that regard the petitioner filed a complaint against the third respondent before the II Additional Judicial First Class Magistrate, Nellore and also before Human Rights Commissioner,

Nellore. It is stated that apprehending danger in the hands of the police, he filed Crl.M.P.No.211 of 2006 seeking anticipatory bail, which was dismissed, as no case was pending. Accordingly, this writ petition has been filed to declare the action of the third respondent in detaining him and obtaining his signatures on blank papers as illegal and arbitrary.

2. Counter has been filed denying all the allegations of the petitioner. It is stated that at no point of time did Professor Amancherla Ramakrishna Rao approached the police and lodged a complaint against the petitioner for recovery of Rs.6,00,000/- said to have been due by the petitioner. It is stated that the third respondent is not aware about the filing of the complaint by the petitioner against him before the Magistrate and he did not receive any summons in that regard.

3. I am of the opinion that it is for the petitioner to take appropriate steps in the pending complaint but he cannot simultaneously pursue parallel proceeding by filing the writ petition. However, the writ petition is not an appropriate remedy in such cases, as the Magistrate has got ample powers to record the statements of the complainant, witnesses and take appropriate action. The petitioner having filed a private complaint without any justification approached this Court by way of writ petition, which cannot be entertained.

For the aforesaid reasons, the writ petition is accordingly dismissed. There shall be no order as to costs.

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V. ESWARAIAH, J

February 13, 2007
DSK